

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.14 (4) (b) and 101.02 (15) (j), Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 62 relating to automatic fire suppression systems for student housing facilities serving colleges and universities.

The public hearing will be held as follows:

Date and Time:

Monday, May 15, 2006 at 10:00 a.m.

Location:

201 W. Washington Ave, Conference Room 3C
Madison

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until May 25, 2006, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Jim Quast at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

The Wisconsin Department of Commerce adopts an order to repeal s. Comm 62.0903 (7); to renumber and amend s. Comm 62.0903 (6); and to create s. Comm 64.0903 (6) (intro.) and Comm 64.0903 (6) (b), relating to automatic fire suppression systems for student housing facilities serving colleges and universities.

Analysis of Rule

1. Statutes Interpreted

Statutes Interpreted: s. 101.14 (4) (b) 3., Stats., as affected by 2005 Wisconsin Act 78, and s. 101.02 (15) (j), Stats.

2. Statutory Authority

Statutory Authority: s. 101.14 (4) (b) 3., Stats., as affected by 2005 Wisconsin Act 78, and s. 101.02 (15) (j), Stats.

3. Related Statute or Rule

Statutes: ss. 101.02 (1) and 101.12 (1), Stats.,
Administrative Rules: Chapter Comm 14, Fire Prevention

4. Explanation of Agency Authority

Under the authority of ss. 101.02 (1) and (15), Stats., the Department of Commerce has the responsibility to establish standards for the design and construction of public buildings and places of employment in order to protect public health, safety and welfare. The Department fulfills this responsibility by promulgating the Commercial Building Code, chapters Comm 61-65.

5. Summary of Proposed Rules

In accordance with sections 101.14 (4) (b) 3., Stats., and the provisions under 2005 Wisconsin Act 78, the department has the responsibility to promulgate rules requiring the installation of automatic fire sprinkler systems in various student housing facilities serving colleges and universities.

The proposed rules consist of revising rules under the commercial building code, chapters Comm 61-65, and would be supplemental to the International Building Code which is the basis for the commercial building code. The following listing highlights the major items contained in the revisions.

- Reiterates the statutory provisions relating to providing automatic fire sprinkler systems in existing student housing facilities greater than 60 feet in height and owned or operated by University of Wisconsin System. [Comm 62.0903 (6) (b) 1. a. and b.]
- Requires the installation of automatic fire sprinkler systems in existing student housing facilities greater than 60 feet in height and owned or operated by colleges and universities that are not part of the University of Wisconsin System. [Comm 62.0903 (6) (b) 1. c.]

- Requires the installation of automatic fire sprinkler systems in existing private student residential facilities greater than 60 feet in height by January 1, 2014. [Comm 62.0903 (6) (b) 1. d.]
- Requires the installation of automatic fire sprinkler systems in existing student sororities, fraternities and similar housing facilities by January 1, 2014. [Comm 62.0903 (6) (b) 1. e.]
- Requires the installation of automatic fire sprinkler systems for the construction of all new student housing facilities. [Comm 62.0903 (6) (b) 2.]

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

There are no existing or proposed federal regulations that address or impact the activities to be regulated by this rule.

7. Comparison with Rules in Adjacent States

An Internet-based search of adjacent states' rules found the following regulations that include similar requirements relating to commercial buildings and facilities:

- The Michigan Department of Labor and Economic Growth administers the Michigan Construction Code, which adopts by reference the 2003 edition of the *International Building Code*[®], IBC, with amendments. The 2003 edition of the IBC requires all new residential occupancies, including dormitories, sororities and fraternities to be protected throughout by automatic fire sprinkler systems.
- The Minnesota Department of Labor and Industry, administers the Minnesota State Building Code, which adopts the 2000 editions of the IBC with amendments. The Minnesota Department of Labor and Industry is in the process of adopting the 2003 edition of the IBC which requires all new residential occupancies, including dormitories, sororities and fraternities to be protected throughout by automatic fire sprinkler systems.
- Illinois does not administer a statewide building code.
- The Iowa Department of Public Safety administers the Iowa Building Code, which adopts the 1994 edition of Uniform Building Code and applies generally to buildings owned by the state of Iowa and to construction projects in local jurisdictions where the Iowa State Building Code is adopted.

8. Summary of Factual Data and Analytical Methodologies

The rules were developed by the Department in reviewing the statutory provisions under s. 101.14 (4) (b) and 2005 Wisconsin Act 78.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report

The rules reflect statutory mandates. There were no supporting documents used to determine the effect on small business, and an economic impact report has not been required pursuant to s. 227.137, Stats.

10. Effect on Small Business

It is unknown whether the student housing under the scope of 2005 Wisconsin Act 78 and the administrative rules would constitute a small business. However, the cost for installing an automatic sprinkler system in new student housing construction varies, depending upon various factors, from \$1.50 to \$2.50 per square foot of the building floor area. The cost for retrofitting of sprinkler system in existing student housing buildings is typically higher, ranging from \$3.00 to \$4.00 per square foot.

SECTION 1. Comm 62.0903 (6) is renumbered 62.0903 (6) (a) and Comm 62.0903 (6) (a) (intro.), as renumbered, is amended to read:

Comm 62.0903 (6) (a) *Multifamily dwellings.* ~~For multifamily dwellings only, substitute the following wording for the requirements, but not the exception, in IBC section 903.2.8:~~ An automatic fire sprinkler system or 2-hour fire resistance shall be provided in every multifamily dwelling that contains floor areas or dwelling units exceeding any of the thresholds established in Table 62.0903. The floor areas specified in the thresholds do not include any of the following:

SECTION 2. Comm 62.0903 (6) (intro.) is created to read:

Comm 62.0903 (6) GROUP R-2. Substitute the following wording for the requirements, but not the exception, in IBC section 903.2.8: Except as provided in pars. (a) and (b), an automatic sprinkler system shall be provided throughout all buildings with a Group R-2 fire area where more than two stories in height, including basements, or where having more than 16 dwelling units.

SECTION 3. Comm 62.0903 (6) (b) is created to read:

Comm 62.0903 (6) (b) *Student housing.* 1. ‘Existing housing.’ a. Except as provided in subd. 1.b., an automatic fire sprinkler system shall be provided by January 1, 2006 throughout every residence hall and dormitory greater than 60 feet in height, the initial construction of which was begun before April 26, 2000, that is owned or operated by the board of regents of the University of Wisconsin System.

b. An automatic fire sprinkler system shall be provided by January 1, 2008 throughout Ogg Residence Hall at the University of Wisconsin-Madison.

c. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every residence hall and dormitory greater than 60 feet in height, the initial construction of which was begun before January 7, 2006, that is owned or operated by an institution of higher education, other than a residence hall or dormitory owned or operated by the board of regents of the University of Wisconsin System.

d. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every private student residential building greater than 60 feet in height, the initial construction of which was begun before January 7, 2006.

e. An automatic fire sprinkler system shall be provided by January 1, 2014 throughout every student residential facility operated by a fraternity, sorority or other organization authorized or sponsored by an institution of higher education, the initial construction of which was begun before January 7, 2006

2. ‘New housing.’ a. An automatic fire sprinkler system shall be provided throughout every residence hall and dormitory, the initial construction which is begun on or after April 26, 2000, that is owned or operated by the board of regents of the University of Wisconsin System.

b. An automatic fire sprinkler system shall be provided throughout every residence hall and dormitory, the initial construction which is begun on or after January 7, 2006, that is owned or operated by an institution of higher education, other than a residence hall or dormitory owned or operated by the board of regents of the University of Wisconsin System.

c. An automatic fire sprinkler system shall be provided throughout every student residential facility, operated by a fraternity, sorority or an organization authorized or sponsored by an institution of higher education, the initial construction of which is begun on or after January 7, 2006.

d. An automatic fire sprinkler system shall be provided throughout every private student residential building, the initial construction of which is begun on or after January 7, 2006.

3. In this paragraph, “private student residential building” has the meaning as given under s. 101.14 (4) (b) 1m., Stats.

Note: Section 101.14 (4) (b) 1m., Stats., reads: “In this paragraph, “private student residential building” means a privately owned and operated residential building that has a capacity of at least 100 occupants, that is occupied by persons at least 80 percent of whom are enrolled in an institution of higher education, and that has attributes usually associated with a student residence hall or dormitory such as a food service plan or occupancy by a resident advisor.”

SECTION 4. Comm 62.0903 (7) is repealed.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
